

COURT OF THE STATE/CITY OF NEW YORK
 COUNTY OF: DISTRICT OF SOUTHERN NY ATTORNEY: ROBERT D. MEADE, ESQ



THE WILLIAM PENN LIFE INSURANCE CO. OF NY
 - against -
 KIMBAL VISCUSO, ET AL

Petitioner(s)
 Plaintiff(s)
 Respondent(s)
 Defendant(s)

AFFIDAVIT
 OF SERVICE

INDEX#
 08 CV 1141

STATE OF: NEW JERSEY - COUNTY OF: UNION ss:

PAUL SALAZAR, being duly sworn deposes and says deponent is not a party to this action, is over the age of 18 and resides in _____
 That on date/time: 3/19/08 9:20 PM at 17 HADDEN ROAD SCARSDALE NY 10583

deponent served the within: SUMMONS AND COMPLAINT

[] Summons, Spanish summons & complaint, the language required by NRCRR 2900.2(e), (f) & (h) was set forth on the face of the summons(es)

On: CHARLES M BIRNS

[] Defendant [] Respondent [] Witness (hereinafter called the recipient) therein named.

INDIVIDUAL
 A []

By personally delivering to and leaving with said CHARLES M BIRNS

and that he knew the person so served to be the person mention and described in said SUMMONS AND COMPLAINT

CORPORATION
 B []

By delivering to and leaving with Richard Birns

at 17 HADDEN RD

and that he knew the person so served to be the FATHER BIRNS of the corporation.

SUITABLE
 AGE PERSON
 C []

Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person:

By delivering a true copy thereof to and leaving with Richard Birns, Michael

a person of suitable age and discretion at 17 HADDEN RD

the said premises being the recipient's [] Dwelling/Usual place of abode [] Actual place of business within the State of New York.

AFFIXING TO
 DOOR, ETC.
 D []

By affixing a true copy thereof to the door of said premises, the same being the recipient's

[] Dwelling/Usual place of abode [] Actual place of business within the State of New York. Deponent had previously attempted to serve the above named recipient on/at: 1. _____ 2. _____ 3. _____

Deponent spoke with _____ who stated to deponent that the said recipient(s) lived at the aforementioned address, but did not know recipient's place of employment.

MAILING TO
 RESIDENCE
 E1 []
 Use with C or D

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient to recipient's last known residence at 3/24/08 mail

and deposited said envelope in an official repository under the exclusive care and custody of the US Postal Service within New York State on _____.

MAILING TO
 BUSINESS
 E2 []
 Use with C or D

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient to recipient's actual place of business at _____

in an official repository under the exclusive care and custody of the US Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient and mailed on _____.

F [X]

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.

DESCRIPTION OF THE RECIPIENT OR OTHER PERSON SERVED OR SPOKEN TO ON BEHALF OF THE RECIPIENT IS AS:

VOID WITHOUT
 DESCRIPTION
 Use with A,B,C,D

[X] Male
 [] Female

[X] White Skin
 [] Black Skin
 [] Yellow Skin
 [] Brown Skin
 [] Red Skin

[] Black Hair
 [X] Brown Hair
 [] Blonde Hair
 [] Gray Hair
 [] Red Hair

[] White Hair
 [X] Balding
 [] Moustache
 [] Beard
 [X] Glasses

[] 14 - 20 Yrs.
 [] 21 - 35 Yrs.
 [] 36 - 50 Yrs.
 [X] 51 - 65 Yrs.
 [] Over 65 Yrs.

[] Under 5'
 [] 5'0" - 5'3"
 [] 5'4" - 5'8"
 [] 5'9" - 6'0"
 [] Over 6'

[] Under 100 Lbs.
 [X] 100 - 130 Lbs.
 [] 131 - 160 Lbs.
 [] 161 - 200 Lbs.
 [] Over 200 Lbs.

Other identifying features: Glasses

WITNESS FEE
 G []

Witness fee of \$0 the authorizing traveling expenses and one day's witness fee:

[] was paid (tendered) to the recipient [] was mailed to the witness with subpoena copy.

MILITARY
 SERVICE
 [X]

I asked the person spoken to whether defendant was in active military service of the United States or of the state of New York in any capacity whatsoever and received a negative reply. Defendant wore civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Subscribed and Sworn to me this

March day of 19 2008

Notary Signature: _____

Name of Notary: _____

ZULEYDA CONCEPCION

NOTARY PUBLIC OF NEW JERSEY
 Commission Expiration

My Commission Expires Oct. 2, 2011

I, PAUL SALAZAR

was at the time of service a competent adult not having a direct interest in the litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Signature of Process Server

Date

3/19/08

RR